

REMARKS/ARGUMENTS

The specification has been conformed to correspond to the preferred format for U.S. patent applications as required in the Office Action, and a Substitute Specification and Comparison Copy are submitted herewith.

Claims 1-84 are pending.

Attached hereto to be made of record is a copy of an English translation of the International Preliminary Examination Report dated May 28, 2001. It is noted that on page 4 of the Report, in the first typed paragraph, "WO-A-93/00051" is incorrect. The correct reference is WO93/18902, which is also cited in the International Search Report dated January 19, 2001 that is of record in this application. Also attached is a copy of U.S. patent 5,536,154, which corresponds to international application WO93/18902.

Applicants note with appreciation that all original claims 1-30 are allowable over the prior art.

Dependent claims 3-5, 7-11, 15, 17, 19, 20 and 26-29 were rejected because they included, within a single claim, preferred features such as a smaller range within a larger range by prefacing the former with such words as "in particular", "preferably", and the like. All ranges within ranges and wording used in connection therewith have been cancelled from the claims. In addition, the word "also" used in claims 3 and 17, which was objected to as being indefinite, has been deleted for purposes of clarification unrelated to patentability concerns.

Claims 3-5, 7-11, 15, 17, 19, 20 and 26-29 are now in full compliance with Section 112.

Although claim 1 has not been rejected under Section 112, it has been amended and slightly broadened in that the claim now recites that the PET-material is processed into either PET-granulates or articles. In addition, the word "respectively" has been removed from line 8 of claim 1, and the limitation "if desired after filtering" has been cancelled and is being resubmitted in new dependent claim 84.

Application No. 10/088,951
Amendment dated January 16, 2004
Reply to Office Action of September 25, 2003

PATENT

Claim 2 has been amended by replacing the phrase "and/or" with the equivalent of "at least one of ..."

Finally, apparatus claim 16 has been made independent by deleting from it "according to claim 1" and by rearranging the wording to provide the necessary antecedents and to reflect that the claim is independent.

The changes to original claims 1-30 were made for purposes of clarification unrelated to patentability concerns.

Also submitted herewith are new claims 31-84, which claim the method and apparatus of the present invention in slightly different terms than originally filed claims 1-30. The new claims are submitted to provide applicants with the full protection of the present invention to which they are entitled.

New claims 31-84 are in full compliance with Section 112, and they are allowable over the prior art for the same reasons why original claims 1-30 are allowable.

CONCLUSION

In view of the foregoing, applicants submit that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 10622	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/AT00/00255	International filing date (day/month/year) 22 September 2000 (22.09.00)	Priority date (day/month/year) 22 September 1999 (22.09.99)
International Patent Classification (IPC) or national classification and IPC B29B 17/00, C08J 11/06		
Applicant BACHER, Helmut		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 20 April 2001 (20.04.01)	Date of completion of this report 28 May 2001 (28.05.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AT00/00255

I. Basis of the report

1. With regard to the elements of the international application:^{*}

- the international application as originally filed
 the description:

pages _____ 1-6 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

- the claims:

pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19)
 pages _____, filed with the demand
 pages _____ 1-30 _____, filed with the letter of 17 April 2001 (17.04.2001)

- the drawings:

pages _____ 1/2,2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

- the sequence listing part of the description:

pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig. _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.
- claims Nos. 30

because:

- the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (specify):

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (specify):

- the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for said claims Nos. 30.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- the written form has not been furnished or does not comply with the standard.
- the computer readable form has not been furnished or does not comply with the standard.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-29	YES
	Claims		NO
Inventive step (IS)	Claims	1-29	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims		NO

2. Citations and explanations

1. The present Claim 1 is not sufficiently delimited over the prior art according to WO-A-93/00051 (D1), since, in addition to the features of the preamble, it is known that the volume of PET material is treated in two steps in which it is comminuted by a tool and mixed. This tool clearly also serves to heat the material, since, as specified in Claim 10 of D1, the containers are optionally coolable. Furthermore, a vacuum line is connected to the containers; see, for example, Figures 1-3 with the corresponding description.
2. D1 does not describe the exclusive heating of the PET material only by impinging with mechanical energy and does not state that the main treatment takes place at a temperature higher than the pre-treatment temperature.
3. Since the prior art cited in the search report does not suggest using a higher temperature in the second step (EP-A-379 684 (D2) mentions a higher temperature (see page 4, line 29 ff.); EP-A-698 462 (D3), however, mentions a lower temperature (see column , line 39 ff.), the subject matter of Claim 1 meets the

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requirements of PCT Article 33 with regard to novelty and inventive step.

4. The dependent claims relate to further configurations of the invention and therefore also appear to meet the PCT requirements.